

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA §
§
V. § CASE NO. 6:09cr100(03)
§
HECTOR NIETO §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

By order, the undersigned referred this matter to the Honorable John D. Love, United States Magistrate Judge, at Tyler, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Love conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and the Honorable John D. Love issued his *Report and Recommendation of the United States Magistrate Judge* [Clerk's doc. #177]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally approve his plea agreement. He further recommended that the undersigned finally adjudge Defendant as guilty on **Counts One and Two of the Information** filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Report and Recommendation* should be accepted. It is accordingly **ORDERED** that the *Report and Recommendation* [Clerk's doc. #177] of the United States Magistrate Judge is **ADOPTED**.

It is further **ORDERED** that the Defendant's guilty plea is accepted and approved by the Court. Further, the plea agreement is approved by the Court, conditioned upon a review of the presentence report. It is finally **ORDERED** that, pursuant to the Defendant's plea agreement, the Court finds the Defendant **GUILTY** of **Counts One and Two** of the **Information** in the above-numbered cause and enters a **JUDGMENT OF GUILTY** against the Defendant as to **Counts One and Two** of the **Information**.

SIGNED this 23rd day of November, 2010.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE